

**REMARKS/ARGUMENTS**

Applicant submits this paper in response to the Office Action dated July 21, 2008. Claims 1-24 are pending in the application. Claims 4-6 and 10-16 are withdrawn from consideration. Claims 1-3, 7-9, and 17-24 stand rejected. Applicant requests reconsideration of the application in light of the remarks made herein.

**I. Rejections Under 35 U.S.C. §102(b)**

Claims 1-3, 7, 9, 17, and 21-24 were rejected under 35 U.S.C. §102(b) as anticipated by Cristy, United States Patent No. 4,074,474.

**A. Claim 1**

With regard to claim 1, the Examiner asserted that the embodiment shown in FIG. 9 of Cristy teaches all of the elements of claim 1. In particular, the Examiner identified the intermediate support means 250 and the frame member 240 of Cristy as the upper portion of the enclosure. The Examiner identified the circular plate 230 and the circular diaphragm 232 as the lower portion of the enclosure. The Examiner identified an unlabeled bolt, which is shown as extending through a flange 236 of frame member 240 and through the plate 230 in FIG. 9 of Cristy as the means for rigidly connecting, as stated in claim 1. The Examiner identified the diaphragm 232 of Cristy as the means for providing a leveling adjustment of claim 1.

Applicant traverses the rejection of claim 1 on grounds that the Examiner's finding regarding the content of the Cristy reference are not supported by substantial evidence, and that the structure disclosed in FIG. 9 of Cristy does not teach all of the elements of claim 1 when those elements are afforded their broadest reasonable interpretation.

The upper and lower enclosure portions of Cristy, as defined by the Examiner, are not telescopically adjustably connected to one another. Rather, the frame member 240 of Cristy is secured to the plate 230 by fasteners (unlabeled) to secure the diaphragm 232 between the frame 240 and the plate 230. As explained in the Cristy reference,

Gas-tight sealing is provided at a periphery of the diaphragm 232 where it is secured between the plate 230 and flanges 234 and 236 of frame members 238 and 240 respectively (Cristy, Col. 6, lines 42-45).

For purposes of explanation, Applicant has attached hereto Exhibit A, which is derived from FIG. 9 of Cristy, and has modified that figure to show the upper and lower enclosure portions, as identified by the Examiner, in an exploded view.

As seen in Exhibit A, the upper and lower enclosure portions connect by engaging one another at engaging faces that are disposed in a facing relationship with respect to one another to capture the diaphragm 232 therebetween. The relevant inquiry is whether a person of skill in the art would understand the Cristy reference, through this structure, as teaching telescopic adjustable connection. Attached hereto as Exhibit B is an excerpt from the New Oxford American Dictionary, 2<sup>nd</sup> Ed., Oxford University Press, New York, 2005, which shows the word “telescopic” defined as “having or consisting of concentric tubular sections design to slide into one another.” Applicant submits that this dictionary definition is evidence as to the plain meaning of “telescopically adjustably connected,” as stated in claim 1. Applicant respectfully submits that the broadest reasonable interpretation of this language excludes structure as shown in Cristy, wherein facing surfaces are brought into engagement with one another by fasteners.

In addition to the foregoing, claim 1 also requires that the telescopically adjustable connection between the upper and lower enclosure portions provides for various sizes of the enclosure. On

review of the Cristy reference, the structure shown in FIG. 9 and identified by the Examiner can not provide for various sizes of the enclosure by adjustable connection of the upper enclosure portion to the lower enclosure portion. Furthermore, since securement of the diaphragm 232 between the plate 230 and the flanges 234 and 236 of the frame member 240 of Cristy operates to seal gas within the diaphragm 232, it is readily apparent that these portions must be tightly engaged with one another in order to render the apparatus shown in FIG. 9 of Cristy operable for its intended purpose. In light of the foregoing, Applicant submits that the structure shown in FIG. 9 of Cristy does not include an enclosure that has an upper portion that is telescopically adjustably connected to a lower portion.

With regard to the means for rigidly connecting, as stated in claim 1, Applicant notes that the Examiner identified an unlabeled fastener that connects a flange 236 of the frame 240 to the plate 230 of Cristy. As explained in connection with the upper and lower enclosure portions, those portions are not telescopically adjustably connected to one another. Since the means for rigidly connecting is specified as functioning to fix the telescopically adjustable position of the upper portion with respect to the lower portion of the enclosure, this element is lacking from claim 1.

Applicant notes that the Examiner's interpretation of the Cristy reference is not in accord with the manner in which a person of ordinary skill in the art would understand that reference. In particular, the Examiner has identified the upper portion of the enclosure as including the frame member 240 and the intermediate support means 250. Applicant submits that the intermediate support means is not an enclosure portion at all, but rather, it is a bearing member that is disposed between the subfloor panels of Cristy and the diaphragm 232 of Cristy. As stated in the Cristy reference,

An intermediate support means 250 is provided and is positioned partly within the frame on the surface of the diaphragm 232. When the enclosure is pressurized as is

illustrated in FIG. 9, the intermediate support means 250 is raised and the subfloor 14 is vertically displaced from the surface of the upper flange segments 252 and 254 of the frame members 236 and 238 respectively.

Applicant submits that the Examiner has included the intermediate support means 250 in his characterization of the upper portion of the housing, not because a person of skill in the art would interpret it as such, but rather, as a hindsight reconstruction of the claimed invention. The Examiner has treated the Cristy reference as a buffet of parts from which he has picked and chosen elements out of context in order to meet the language of the claims. This is impermissible.

Applicant again notes that claim 1 requires a **rigid** enclosure. The Examiner has identified the diaphragm 232 as part of the lower enclosure portion. However, the diaphragm 232 of Cristy is necessarily flexible, as it is utilized to raise and lower the intermediate support means 250 in response to gas provided through a conduit 242 (Cristy, Col. 6, lines 37-56). Accordingly, the enclosure, as identified by the Examiner, cannot be considered rigid.

Applicant further notes that the Examiner's identification of the diaphragm 232 as part of the lower portion of the enclosure seems to be motivated by Applicant's claims, rather than the manner in which a person of skill in the art would interpret the Cristy reference. Applicant believes that the Examiner may have adopted this construction in an attempt to meet the "telescopically" limitation of claim 1. Again, interpreting the Cristy reference in this manner is an impermissible hindsight reconstruction.

In view of the foregoing, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. §102(b) as anticipated by Cristy be withdrawn.

B. Claim 2

With regard to claim 2, Applicant notes that the structure identified by the Examiner as a

means for rigidly connecting does not meet the terms of that limitation in claim 1. Since the limitations in claim 2 are further limitations to that element, the structure shown in FIG. 9 of Cristy cannot be held to anticipate the invention stated in claim 2, for the reasons stated in claim 1.

Accordingly, Applicant requests that the rejection of claim 2 be withdrawn.

C. Claim 3

With regard to claim 3, Applicant notes that claim 3 states that the lower portion of the enclosure has an anchor ring that extends into the interior of the enclosure. The Examiner has stated that the plate 230 of Cristy is "a ring shaped device." Cristy refers to this element as a circular plate (Cristy, Col. 6, lines 41-42). Applicant has attached an excerpt from the New Oxford American Dictionary, 2<sup>nd</sup> Ed., Oxford University Press, New York, 2005 hereto as Exhibit C showing the definition of the word "ring." Therein, "ring" is defined as "a circular band of any material: *fried onion rings*." It is beyond debate that the plain meaning of the word "ring" contemplates a circular structure having a passageway extending through its center, wherein the cross-sectional dimensions of the material are small in comparison to the inner diameter. Applicant notes that the plate 230, as shown in FIG. 9 of Cristy, is depicted with a bolt extending through its center, thus implying an aperture through the center of the plate. However, Applicant submits that a bolt hole through the center of a circular plate does not render that element a "ring" by the plain meaning of that word. Accordingly, Applicant submits that the apparatus shown in FIG. 9 does not include an anchor ring, as stated in claim 3.

Applicant further notes that claim 3 includes a support member in contact with the bearing member and engageable with the substructure. The Examiner has identified the support member as the diaphragm 232 of Cristy. While the diaphragm 232 is in contact with the intermediate support

member 250 of Cristy, which the Examiner has identified as a bearing member, FIG. 9 of Cristy clearly shows that the diaphragm 232 is spaced from the substructure by the plate 230, which has been identified by the Examiner as a portion of the housing. Accordingly, the apparatus shown in FIG. 9 of Cristy does not include a support member, as stated in claim 3.

Regarding the bearing member of claim 3, the Examiner has indentified that element as the intermediate support member 250 of Cristy. Applicant notes that the Examiner has also identified this element as part of the upper portion of the housing. Applicant submits that this inconsistency is further evidence of the Examiner's infamous hindsight reconstruction.

For the foregoing reasons, Applicant requests that the rejection of claim 3 be withdrawn.

D. Claim 7

With regard to claim 7, Applicant notes that this claim should be allowable for the reasons stated in connection with claims 1 and 3. With regard to claim 9, that claim requires an enclosure having an upper portion and a lower portion that are telescopically connected to one another to provide for various sizes of the enclosure. As explained in connection to claim 1, the apparatus shown in FIG. 9 of Cristy does not include such structure.

E. Claims 9 and 17

With regard to the rejection of claim 9, Applicant notes that claim 9 recites an anchor ring. For the reasons stated in connection with claim 3, the apparatus shown in FIG. 9 of Cristy does not include an anchor ring.

Applicant next notes that claim 9 recites a plurality of fasteners that connect the bearing member to the anchor ring in a vertically spaced relationship. In attempting to satisfy this limitation,

the Examiner has identified three separate unlabeled fasteners, which are shown in FIG. 9 of Cristy. The first of these connects the plate 230 to the substructure. The second of these connects the plate 230 to the frame member 240. The third of these connects two separate parts of the intermediate support member 250 to one another. Applicant notes that the Examiner has identified the plate 230 as an anchor ring and has identified the intermediate support member 250 as a bearing member. Simply stated, none of these fasteners connects the bearing member, as identified by the Examiner, to the identified anchor ring, as identified by the Examiner.

Applicant next notes that claim 9 recites a support member that is engageable with the substructure. For the reasons stated in connection with claim 3, this element is not shown in FIG. 9 of Cristy.

For the foregoing reasons, Applicant requests that the rejection of claim 9 under 35 U.S.C. §102(b) as anticipated by Cristy be withdrawn.

With regard to claim 17, Applicant notes that the claim depends from claim 9. Thus, claim 17 should be allowable for the reasons stated in connection with claim 9.

#### F. Claims 21-24

With regard to claim 21, Applicant notes that claim 21 states "said lower portion of said enclosure being substantially tubular and having open ends." Applicant has submitted herewith Exhibit D, which shows the definition of "tubular" in the New Oxford American Dictionary, 2<sup>nd</sup> Ed., Oxford University Press, New York, 2005. That definition states that "tubular" means "long, round, and hollow like a tube." As stated in claim 3 in connection with the Examiner's assertion that the plate 230 of Cristy is a ring, Applicant notes that there is a bolt hole through the center of the plate 230. However, Applicant submits that this does not render the plate 230 "long, round, and hollow

like a tube,” according to the ordinary meaning of tubular, as evidenced by the dictionary definition shown in Exhibit D. Furthermore, the Examiner’s assertion that the plate 230 has open ends is disingenuous. Accordingly, Applicant requests that the rejection of claim 21 be withdrawn.

With regard to claim 22, the Examiner has indicated that the pieces of the upper and lower enclosures are considered to be integral because they are attached to each other. Applicant notes that the Examiner has identified the frame member 240 and the intermediate support means 250 of Cristy as being the upper portion of the enclosure. Applicant agrees with the Examiner that the broadest reasonable interpretation of integral could include structures that are connected to one another. However, Applicant notes that Cristy describes the intermediate support means 250 as vertically moveable within the frame member 240 in response to inflation and deflation of the diaphragm 232 (Cristy, Col. 6, lines 37-56). Thus, the sole structural relationship between the frame 240 and the intermediate support member 250 is that the intermediate support member 250 is disposed partially within the frame member 240. Applicant submits that the broadest reasonable interpretation of “integral” does not include the moveable disposition of the intermediate support means 250 within the frame 240. Accordingly, Applicant requests that the rejection of claim 22 be withdrawn.

With regard to claim 23, Applicant disagrees with the Examiner that the structure as shown in FIG. 9 of Cristy is capable of performing the functions stated in claim 23. Applicant notes that the Examiner has identified the intermediate support member 250 as a part of the upper portion of the housing and that the Examiner has identified the opening in the upper portion of the housing as the opening in the top of frame 240, through which the intermediate support member 250 extends. If the apparatus shown in FIG. 9 of Cristy were employed in the manner stated in claim 23, the intermediate support member 250 would extend through the top of the subfloor 14 and platform 12 of Cristy and



thus would provide no support for those elements. Furthermore, if the lower portion of the housing, identified by the Examiner as plate 230 of Cristy, were connected to the subfloor 14 and platform 12 in the manner contemplated by claim 23, the apparatus shown in FIG. 9 would be incapable of engendering motion between the substructure and the subfloor 14. Accordingly, the structure shown in FIG. 9 of Cristy is not capable of performing the functions stated in claim 23.

With regard to claim 24, assuming that the plate 230 is, in fact, a ring, the inner perimeter of that ring would be adjacent to the bolt shown in the center of the ring in FIG. 9 of Cristy. Applicant submits that the Examiner's characterization of the unlabeled fasteners that extend through the flanges 234, 236 of the frame 240 and the plate 230 as being adjacent to the inner periphery of a ring is simply disingenuous. Accordingly, Applicant requests that the rejection of claim 24 be withdrawn.

For the foregoing reasons, Applicant requests that the rejections of claims 1-3, 7, 9, 17, and 21-24 as anticipated by Cristy be withdrawn.

## **II. Rejections Under 35 U.S.C. §103(a)**

The Examiner next rejected claims 8 and 18-20 under 35 U.S.C. §103(a) as unpatentable over Cristy.

With regard to claims 8 and 18, the Examiner proposes modifying the structure shown in FIG. 9 of Cristy to replace the diaphragm 232 with the inflatable airbag 172 shown in FIG. 6 of Cristy. Applicant notes that the Examiner has identified the diaphragm 232 as a part of the lower enclosure portion stated in independent claims 1 and 9. Accordingly, modifying Cristy to replace the diaphragm 232 with the airbag 172 causes the lower portion of the enclosure to no longer be hollow. Accordingly, the combination of the apparatus of FIG. 9 with the apparatus of FIG. 6 of Cristy results in an apparatus that does not include all of the elements of either of claims 8 or 18. Accordingly,

Applicant requests that the rejection of these claims be withdrawn.

With regard to claims 19 and 20, Applicant notes that these claims depend from claim 18. Accordingly, these claims should be allowable for the reasons stated in connection with claim 18. }

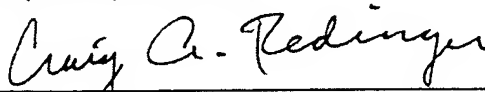
### III. Conclusion

In light of the foregoing, Applicant submits that all of the claims herein should be patentable. However, in the event that the Examiner maintains any rejection herein or enters any new ground of rejection with regard to any of the previously-presented claims, Applicant requests that the Examiner specifically address all of the Applicant's arguments, stating whether those arguments have been found persuasive, or, alternatively, explaining why those arguments are not considered persuasive.

Applicant notes that in the previously-received Office Actions in this case, the Examiner has continually stated that the Applicant's arguments have been considered but were considered moot in view of new grounds of rejection. However, Applicant notes that issues analogous to those previously-addressed by the Applicant and ignored by the Examiner have resurfaced numerous times during the course of prosecution of this case. In light of the Patent Office's policy encouraging compact prosecution and in order to narrow and clarify the issues for Appeal, Applicant respectfully requests that the Examiner state his rationale on the record.

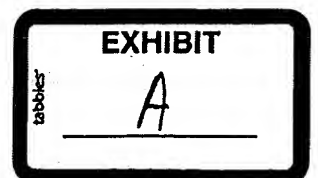
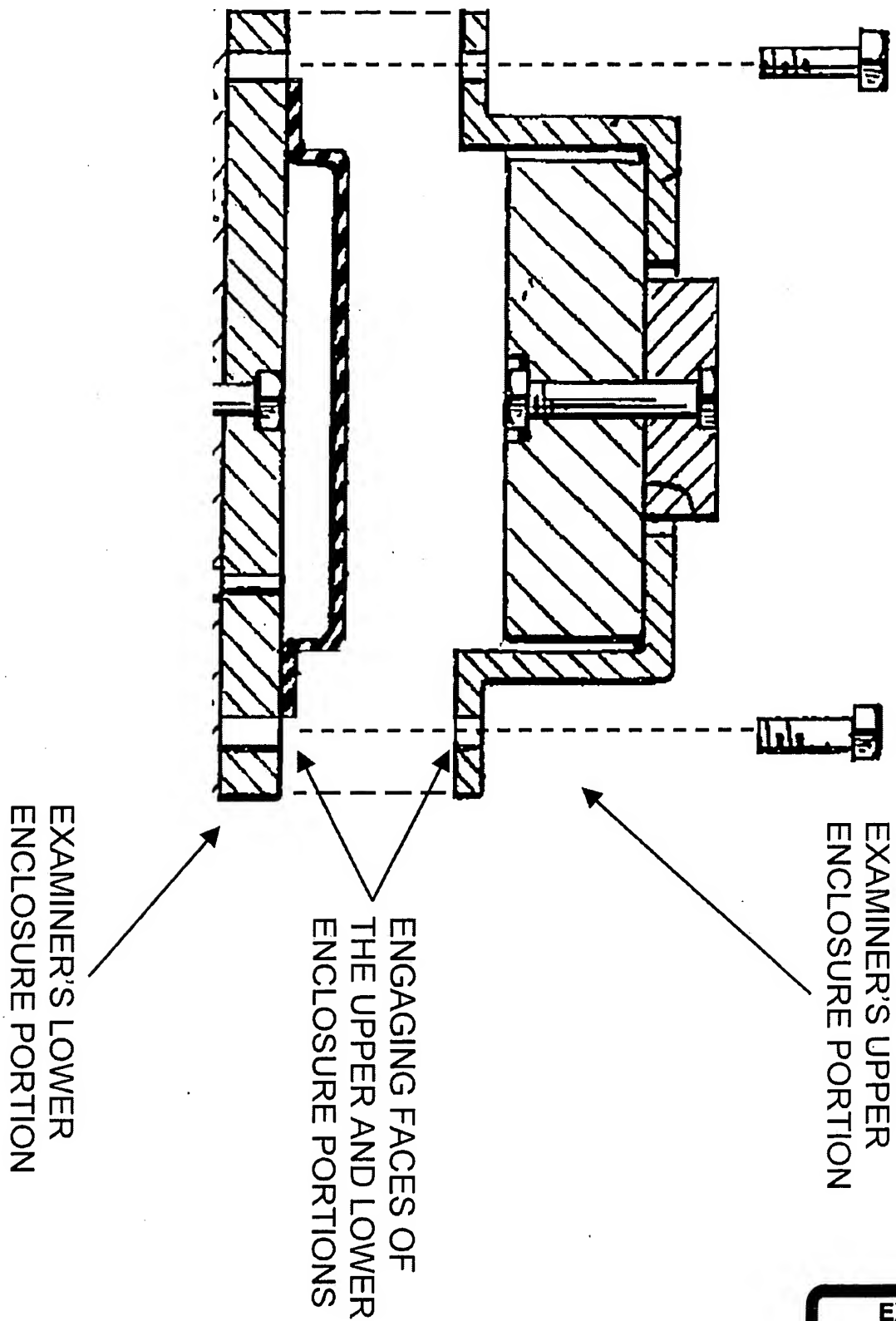
If the Examiner has any questions or comments regarding this matter, Applicant's undersigned counsel may be reached at (734) 662-0270 or by electronic mail at [redinger@ybpc.com](mailto:redinger@ybpc.com).

Respectfully Submitted,



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## Telemachus

**Telem-a-chus** /tə'leməkəs/ *Greek Mythology* the son of Odysseus and Penelope.

**Tele-mann** /'tələ,män; 'tel-/ *Georg Philipp* (1681-1767). German composer and organist. His works include church music, oratorios, and a great deal of instrumental music.

**tele-mark** /'tələ,märk/ *Skiing* ▶ *n.* a turn in downhill skiing or a landing style in ski jumping with one ski advanced and the knees bent.

▶ *v.* [*intrans.*] perform such a turn while skiing: they went telemarking silently through the trees. ▶ *early 20th cent.*: named after Telemark, the district in Norway, where it originated.

**tele-market-ing** /'tələ,märkɪŋ/ ▶ *n.* the marketing of goods or services by means of telephone calls, typically unsolicited, to potential customers. —**tele-market-er** /-,märkɪtər/ *n.*

**tele-matics** /'tələ,mætiks/ ▶ *plural n.* [treated as *sing.*] the branch of information technology that deals with the long-distance transmission of computerized information. ▶ *1970s*: blend of **TELECOMMUNICATION** and **INFORMATICS**. —**tele-matic** *adj.*

**tele-med-i-cine** /'tələ,mədɪsɪn/ ▶ *n.* the remote diagnosis and treatment of patients by means of telecommunications technology.

**tele-meter** ▶ *n.* /tə'lemɪtər; 'tələ,mətər/ an apparatus for recording the readings of an instrument and transmitting them by radio.

▶ *v.* /'tələ,mətər/ [*trans.*] transmit (readings) to a distant receiving set or station. —**tele-metric** /'tələ,metrɪk/ *adj.* —**tele-metry** /tə'lemɪtrɪ/ *n.*

**tele-n-ceph-a-lon** /'tələ,n'sefələn; -ləŋ/ ▶ *n.* *Anatomy* the most highly developed and anterior part of the forebrain, consisting chiefly of the cerebral hemispheres. Compare with **DIENCEPHALON**. ▶ *late 19th cent.*: from **TELE-** 'far' + **ENCEPHALON**.

**tele-no-vel-a** /'tələ,nə'velə/ ▶ *n.* (in Latin America) a television soap opera. Also called **NOVELA**. ▶ *Spanish*.

**tele-o-log-i-cal ar-gu-ment** /'tələ'ləjɪkəl; 'tələ-/ ▶ *n.* *Philosophy* the argument for the existence of God from the evidence of order, and hence design, in nature. Compare with **ARGUMENT FROM DESIGN**, **COSMOLOGICAL ARGUMENT**, and **ONTOLOGICAL ARGUMENT**.

**tele-o-lo-gy** /'tələ'ələj; 'tələ-/ ▶ *n.* (pl. -gies) *Philosophy* the explanation of phenomena by the purpose they serve rather than by postulated causes. ▶ *Theology* the doctrine of design and purpose in the material world. ▶ *mid 18th cent.* (denoting the branch of philosophy that deals with ends or final causes): from modern Latin *teleologia*, from Greek *telos* 'end' + *-logia* (see **-LOGY**). —**tele-o-log-ic** /-ə'ləjɪk/ *adj.* —**tele-o-log-ic-al** /-ə'ləjɪkəl/ *adj.* —**tele-o-log-i-cal-ly** /-ə'ləjɪkəl/ *adv.* —**tele-o-lo-gism** /-jɪzəm/ *n.* —**tele-o-lo-gist** /-jɪst/ *n.*

**tele-op-er-a-tion** /'tələ,əpə'ræʃən/ ▶ *n.* the electronic remote control of machines. —**tele-op-er-ate** /-əpə'ræt/ *v.*

**tele-op-er-a-tor** /'tələ,əpə'rætər/ ▶ *n.* a machine operated by remote control so as to imitate the movements of its operator.

**tele-ost** /'tələ,əst; 'tələ-/ ▶ *n.* *Zoology* a fish of a large group that comprises all ray-finned fishes apart from the primitive bichirs, sturgeons, paddlefishes, freshwater garfishes, and bowfins. ▶ *Division* (or in-traclass) *Telosteii*, subclass *Actinopterygii*: many orders. ▶ *mid 19th cent.*: from Greek *teleos* 'complete' + *ostion* 'bone.'

**tele-path** /'tələpəθ/ ▶ *n.* a person with the ability to communicate using telepathy. ▶ *late 19th cent.* (as a verb, meaning 'to use telepathy'): back-formation from **TELEPATHY**.

**tele-pa-thy** /'tələpəθi/ ▶ *n.* the supposed communication of thoughts or ideas by means other than the known senses. —**tele-path-ic** /'tələpəθɪk/ *adj.* —**tele-path-i-cal-ly** /'tələpəθɪkəl/ *adv.* —**tele-pa-thist** /-tɪst/ *n.*

**tele-phone** /'tələ,fəŋ/ ▶ *n.* 1 a system that converts acoustic vibrations to electrical signals in order to transmit sound, typically voices, over a distance using wire or radio. ▶ an instrument used as part of such a system, typically a single unit including a handset with a transmitting microphone and a set of numbered buttons by which a connection can be made to another such instrument. 2 a game in which a message is distorted by being passed around in a whisper. Also called **CHINESE WHISPERS**. ▶ *trans.* call or speak to (someone) using the telephone: he had just finished telephoning his wife. ▶ [*intrans.*] make a telephone call: she telephoned for help. ▶ (a message) by telephone: Barbara had telephoned the news. —**tele-ph-on-er** *n.* —**tele-ph-on-ic**

/'tələ'fənik/ *adj.* —**tele-ph-on-i-cal-ly** /'tələ'fənikəl/ *adv.*

**tele-phone bank-ing** ▶ *n.* a method of banking in which the customer conducts transactions by telephone, typically by means of a computerized system using touch-tone dialing or voice-recognition technology.

**tele-phone book** ▶ *n.* a telephone directory.

**tele-phone booth** (*Brit.* also **tele-phone box**) ▶ *n.* a public booth or enclosure housing a pay phone.

**tele-phone call** ▶ *n.* a communication or conversation by telephone.

**tele-phone card** ▶ *n.* another term for **CALLING CARD** (sense 2).

**tele-phone di-rec-to-ry** ▶ *n.* a book listing the names, addresses, and telephone numbers of the people in a particular area.

**tele-phone ex-change** ▶ *n.* a set of equipment that connects telephone lines during a call.

**tele-phone num-ber** ▶ *n.* a number assigned to a particular telephone and used in making connections to it.

**tele-phone op-er-a-tor** ▶ *n.* a person who works at the switchboard of a telephone exchange.

**tele-phone pole** /'tələ,fəŋ pəʊl/ ▶ *n.* a tall pole used to carry telephone wires and other utility lines above the ground.

**tele-phone tag** ▶ *n.* *informal* the action of two people repeatedly trying unsuccessfully to reach each other by telephone, usually by leaving messages.

**tele-ph-o-nist** /'tələ,fənist; tə'fələ-/ ▶ *n.* *Brit.* an operator of a switchboard.

**tele-ph-o-ny** /'tələ,fəni/ ▶ *n.* the working or use of telephones.

**tele-pho-to** /'tələ,fəʊtə/ (also **tele-pho-to lens**) ▶ *n.* (pl. -tos) a lens with a longer focal length than standard, giving a narrow field of view and a magnified image.

**tele-pic** /'tələ,pɪk/ ▶ *n.* *informal* a movie made for television. ▶ *blend of television and epic*.

**tele-play** /'tələ,pleɪ/ ▶ *n.* a play written or adapted for television.

**tele-port** /'tələ,pɔrt/ ▶ *v.* (esp. in science fiction) transport or be transported across space and distance instantly.

▶ *n.* 1 a center providing interconnections between different forms of telecommunications, esp. one that links satellites to ground-based communications. [1980s: originally the name of such a center in New York.] 2 an act of teleporting. ▶ *1950s*: back-formation from *teleportation* (1930s), from **TELE-** 'at a distance' + a shortened form of **TRANSPORTATION**. —**tele-portal-tion** /'tələ,pɔrt'æʃən/ *n.*

**tele-pres-ence** /'tələ,pri:zəns/ ▶ *n.* the use of virtual reality technology, esp. for remote control of machinery or for apparent participation in distant events. ▶ a sensation of being elsewhere, created in such a way.

**tele-print-er** /'tələ,prɪntər/ ▶ *n.* a device for transmitting telegraph messages as they are keyed, and for printing messages received.

**Tele-Promp-Ter** /'tələ,prəm(p)tər/ ▶ *n.* *trademark* a device used in television and moviemaking to project a speaker's script out of sight of the audience.

**tele-sales** /'tələ,sælz/ ▶ *plural n.* the selling of goods or services over the telephone: sales personnel work on fully automated telesales systems.

**tele-scope** /'tələ,skəʊp/ ▶ *n.* an optical instrument designed to make distant objects appear nearer, containing an arrangement of lenses, or of curved mirrors and lenses, by which rays of light are collected and focused and the resulting image magnified. ▶ *short for RADIO TELESCOPE*.

▶ *v.* [*trans.*] cause (an object made of concentric tubular parts) to slide into itself, so that it becomes

smaller. ▶ [*intrans.*] be capable of sliding together in this way: five steel sections that telescope into one another. ▶ *crush* (a vehicle) by the force of an impact. ▶ *figurative* condense or conflate so as to occupy less space or time: a way of telescoping many events into a relatively brief period. ▶ *mid 17th cent.*: from Italian *telescopio* or modern Latin *telescopium*, from *tele-* 'at a distance' + *-scopium* (see **-SCOPE**).

**tele-scop-ic** /'tələ'skəpɪk/ ▶ *adj.* 1 of, relating to, or made with a telescope. ▶ capable of viewing and magnifying distant objects. ▶ *Astronomy* visible only through a telescope. 2 having or consisting of concentric tubular sections designed to slide into one another: a telescopic umbrella. —**tele-scop-i-cal-ly** /-ɪkəl/ *adv.*

**tele-scop-ic sight** ▶ *n.* a small telescope used for sighting, typically mounted on a rifle.

**tele-shopp-ing** /'tələ,ʃəpɪŋ/ ▶ *n.* the ordering of goods by customers using a telephone or direct computer link.

**tele-the-sia** /'tələ'sθi:zə(ə)/ (*Brit.* **tele-aes-the-sia**) ▶ *n.* the supposed perception of distant occurrences or objects otherwise than by the recognized senses. ▶ *late 19th cent.*: from **TELE-** + Greek *aisthēsis* 'perception'. —**tele-the-tic** /-θetɪk/ *adj.*

**tele-sur-gery** /'tələ,sɜrjəri/ ▶ *n.* surgery performed by a doctor considerably distant from the patient, using medical robotics and multimedia image communication. —**tele-sur-geon** /'tələ,sɜrjən/ *n.*

**tele-text** /'tələ,tekst/ ▶ *n.* a news and information service in the form of text and graphics, transmitted using the spare capacity of existing television channels to televisions with appropriate receivers.

**tele-thon** /'tələ,θæn/ ▶ *n.* a very long television program, typically one broadcast to raise money for a charity. ▶ *1940s* (originally U.S.): from **TELE-** 'at a distance' + *-thon* on the pattern of *marathon*.

**Tele-type** /'tələ,tɪp/ (often **tele-type**) ▶ *n.* *trademark* a kind of teleprinter. ▶ a message received and printed by a teleprinter.

▶ *v.* [*trans.*] send (a message) by means of a teleprinter. —**tele-type-writer** /'tələ,tɪp,raɪtər/ *n.* a teleprinter.

**tele-van-gel-ist** /'tələ,væŋəlɪst/ ▶ *n.* an evangelical preacher who appears regularly on television to preach and appeal for funds. —**tele-van-gel-i-cal** /'tələ,væŋəlɪkəl/ *adj.* —**tele-van-gel-ism** /-lɪzəm/ *n.*

**tele-view-er** /'tələ,vju:ər/ ▶ *n.* a person who watches television. —**tele-view-ing** /-vju:ɪŋ/ *n.* & *adj.*

**tele-vise** /'tələ,vɪz/ ▶ *v.* [*trans.*] [*usu.* as *adj.*] (televised) transmit by television: a live televised debate between the party leaders. ▶ *1920s*: back-formation from **TELEVISION**. —**tele-vi-s-able** *adj.*

**tele-vi-sion** /'tələ,vɪʒən/ ▶ *n.* 1 a system for transmitting visual images and sound that are reproduced on screens, chiefly used to broadcast programs for entertainment, information, and education. ▶ the activity, profession, or medium of broadcasting on television: neither of my children showed the merest inclination to follow me into television [as *adj.*] television news. ▶ television programs: Dan was sitting on the sofa watching television. 2 (also **tele-vi-sion set**) a box-shaped device that receives television signals and reproduces them on a screen. ▶ *early 20th cent.*: from **TELE-** 'at a distance' + **VISION**.

▶ **PHRASE** □ on (the) television being broadcast by television: appearing in a television program: Norman was on television yesterday.

**tele-vi-sion-ary** /'tələ,vɪʒənəri/ ▶ *n.* (pl. -aries) *informal*, often humorous an enthusiast for television.

▶ *adj.* of, relating to, or induced by television: *televisionary indoctrination* in Luanda.

**tele-vi-sion sta-tion** ▶ *n.* an organization transmitting television programs.

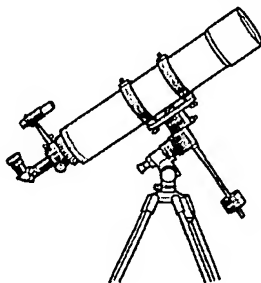
**tele-vi-s-u-al** /'tələ,vɪʒəʊəl/ ▶ *adj.* relating to or suitable for television: the world of televisual images. —**tele-vi-su-al-ly** *adv.*

**tele-work** /'tələ,wɜrk/ ▶ *v.* another term for **TELECOMMUTE**.

▶ *n.* work performed primarily on computers linked to other locations, esp. from home or a remote location. —**tele-worker** *n.* —**tele-work-ing** *n.*

**tele-x** /'tələks/ ▶ *n.* an international system of telegraphy with printed messages transmitted and received by teleprinters using the public telecommunications network. ▶ a device for sending a message sent by this system.

▶ *v.* [*trans.*] communicate with



telescope

EXHIBIT

B

Pronunciation Key e ago; or ou fur; a hat; ā rate; ā car; ch chē fāt; l by; i(ə) ear; ng sing; ō go; oo out; sh she; th thin; t t

**Pronunciation Key** ø ago; ør  
fuir; a hat; â rate; â car; CH cho  
i fit; i by; i(ə)r ear; NG sing; ô go  
goo; ou out; SH she; TH thin; TH



## EXHIBIT

C

**Pronunciation Key** e ago; er fur; a hat; â rate; â car; CH che i fit; i by; i(ə)r ear; NG sing; ô go; goo; ou out; SH she; TH thin; TH

Mataura, is on the island of Tubuai. Also called the AUSTRAL ISLANDS.

**tu-bu-lar** /'t(y)öb'yälər/ *adj.* 1 long, round, and hollow like a tube: tubular flowers of deep crimson. 2 made from a tube or tubes: tubular steel chairs. 3 *Surfing* (of a wave) hollow and well curved. 4 *Medicine* of or involving tubules or other tube-shaped structures.

*n.* 1 short for TUBULAR TIRE. 2 (tubulars) oil-drilling equipment made from tubes. ▶late 17th cent.: from Latin *tubulus* 'small tube' + -AR<sup>1</sup>.

**tu-bu-lar bells** *plural n.* an orchestral instrument consisting of a row of vertically suspended metal tubes struck with a mallet.

**tu-bu-lar tire** *n.* a completely enclosed tire cemented onto the wheel rim, used on racing bicycles.

**tu-bule** /'t(y)öb'yöl/ *n.* a minute tube, esp. as an anatomical structure: kidney tubules. ▶late 17th cent.: from Latin *tubulus*, diminutive of *tubus* 'tube.'

**Tu-bu-li-den-ta-ta** /'t(y)öb'yöli'den'tätə/ *Zoology* an order of mammals that comprises only the aardvark. ▶modern Latin (plural), from TUBULE + Greek *odont-* 'tooth.'

**tu-bu-lin** /'t(y)öb'yölin/ *n.* Biochemistry a protein that is the main constituent of the microtubules of living cells. ▶1960s: from TUBULE + -IN<sup>1</sup>.

**Tu-can-a** /'t(y)öb'käne; -'kanə/ *Astronomy* a southern constellation (the Tucan), south of Crux and Phoenix. It contains the Small Magellanic Cloud. 2 [as *genitive*] (Tucanæ /-næ/) used with a preceding letter or numeral to designate a star in this constellation: the star Delta Tucanæ. ▶modern Latin.

**Tuch-man** /'tæk-mən/, Barbara (1912-89), U.S. historian and writer. Her many works include *The Guns of August* (1962), *Stillwell and the American Experience in China, 1911-45* (1971), *A Distant Mirror* (1978), and *The First Salute* (1988).

**tuck** /tʊk/ *v.* 1 [trans.] push, fold, or turn (the edges or ends of something, esp. a garment or bedclothes) so as to hide them or hold them in place: he tucked his shirt into his trousers. 2 (tuck someone in) make someone, esp. a child, comfortable in bed by pulling the edges of the bedclothes firmly under the mattress: he carried her back to bed and tucked her in. 3 draw (something, esp. part of one's body) together into a small space: she tucked her legs under her. 4 (often be tucked) put (something) away in a specified place or way so as to be hidden, safe, comfortable, or tidy: the colonel was coming toward her, his gun tucked under his arm. 5 [trans.] make a flattened, stitched fold in (a garment or material), typically so as to shorten or tighten it, or for decoration.

*phrasal v.* 6 **tuck something away** 1 store something in a secure place: employees can tuck away a percentage of their pretax salary. 2 (usu. be tucked away) put or keep someone or something in an inconspicuous or concealed place: the police station was tucked away in a square behind the main street. 2 *informal* eat a lot of food. 3 **tuck in** (or *into*) *informal* eat food heartily: I tucked into the bacon and scrambled eggs.

*n.* 1 a flattened, stitched fold in a garment or material, typically one of several parallel folds put in a garment for shortening, tightening, or decoration: a dress with tucks along the bodice. 2 [usu. with *adj.*] *informal* a surgical operation to reduce surplus flesh or fat: a tummy tuck. 3 *Brit.*, *informal* food, typically cakes and candy, eaten by children at school as a snack: [as *adj.*] a tuck shop. 4 (also tuck position) (in diving, gymnastics, downhill skiing, etc.) a position with the knees bent and held close to the chest, often with the hands clasped around the shins. ▶Old English *tūcan* 'to punish, ill-treat'; related to *tug*. Influenced in Middle English by Middle Dutch *tucken* 'pull sharply.'

**tuck-a-hoe** /'tʊkə,hə/ *n.* a root or other underground plant part formerly eaten by North American Indians, in particular: \* the starchy rhizome of an arum that grows chiefly in marshland (*Peltandra virginica*, family Araceae). \* the underground sclerotium of a bracket fungus (*Poria cocos*, class Hymenomycetes). ▶early 17th cent.: from Virginia Algonquian *tuck-awhoughie*.

**Tuck-er** /'tʊkər/, Richard (1913-75) U.S. opera singer; born Rubin Ticker. A tenor, he sang with the Metropolitan Opera for 30 seasons, beginning with his debut in 1945.

**Tuck-er**, Tanya (Denise) (1958-) U.S. country and pop singer. At age 13, she became known for her rendition of "Delta Dawn" (1972). Her later albums include *What Do I Do with Me* (1991) and *Complicated* (1997).

**tuck-er** /'tʊkər/ *n.* historical a piece of lace or linen worn in or around the top of a bodice or as an insert

at the front of a low-cut dress. See also ONE'S BEST BIB AND TUCKER at BIB<sup>1</sup>.

*v.* [trans.] (usu. be tucked out) *informal* exhaust; wear out.

**tuck-et** /'tʊkət/ *n.* archaic a flourish on a trumpet. ▶late 16th cent.: from obsolete *tuck* 'beat (a drum)', from Old Northern French *toquer*, from the base of TOUCH.

**tuck-in** *n.* *Brit.*, *informal* dated a large meal.

**tuck-ing** /'tʊkɪŋ/ *n.* a series of stitched tucks in a garment.

**tuck-point** *v.* [trans.] point (brickwork) with colored mortar so as to have a narrow groove that is filled with fine white lime putty allowed to project slightly.

**tuck po-si-tion** *n.* see TUCK (sense 3).

**tu-co-tu-co** /'tʊkō 'tʊkō/ *n.* (pl. -cos) a burrowing ratlike rodent native to South America. \* Family Ctenomyidae and genus *Ctenomys*: numerous species. ▶mid 19th cent.: imitative of the call of some species.

**Tuc-son** /'tʊs,sən; tʊs'sən/ a city in southeastern Arizona; pop. 486,699. Its desert climate makes it a tourist resort.

**tu-cu-xi** /'tʊkō'kōhē/ *n.* (pl. same) a small stout-bodied dolphin with a gray back and pinkish underparts, living along the coasts and rivers from Panama to Brazil and in the Amazon. \* *Sotalia fluviatilis*, family Delphinidae.

**'tude** /'t(y)öd/ *n.* *informal* short for ATTITUDE: the song bristles with *tude*.

**-tude** *suffix* forming abstract nouns such as *beatitude*, *solitude*. ▶from French *-tude*, from Latin *-tudo*.

**Tu-deh** /'tʊdē/ (also Tu-deh Par-ly) the Communist Party of Iran. ▶Persian, literally 'mass.'

**Tu-dor** /'t(y)ödər/ *adj.* of or relating to the English royal dynasty that held the throne from the accession of Henry VII in 1485 until the death of Elizabeth I in 1603. 2 of, denoting, or relating to the prevalent architectural style of the Tudor period, characterized esp. by half-timbering.

*n.* a member of this dynasty.

**Tu-dor**, Henry, Henry VII of England (see HENRY<sup>1</sup>).

**Tu-dor**, Mary, Mary I of England (see MARY<sup>2</sup>).

**Tu-dor rose** *n.* a conventionalized, typically five-lobed figure of a rose used in architectural and other decoration in the Tudor period, in particular a combination of the red and white roses of Lancaster or York adopted as a badge by Henry VII.

**Tues.** (also Tue.) *abbr.* Tuesday.

**Tues-day** /'t(y)ödz,də/ *n.* the day of the week before Wednesday and following Monday: come to dinner on Tuesday | the following Tuesday | [as *adj.*] Tuesday afternoons.

*adv.* on Tuesday: they're all leaving Tuesday. 2 (Tuesdays) on Tuesdays; each Tuesday: she works late Tuesdays. ▶Old English *Tiwesdag*, named after the Germanic god *Tiw* (associated with Mars); translation of Latin *dies Marti* 'day of Mars'; compare with Swedish *tisdag*.

**tu-fa** /'t(y)öfə/ *n.* a porous rock composed of calcium carbonate and formed by precipitation from water, e.g., around mineral springs. 2 another term for TUFF. ▶late 18th cent.: from Italian, variant of *tuffo* (see TUFF).

**tuff** /tʌf/ *n.* a light, porous rock formed by consolidation of volcanic ash. ▶mid 16th cent.: via French from Italian *tuffo*, from late Latin *tofus*, Latin *tophus* (see TOPHUS). —**tuff-a-ceous** /'tʊ'fəʃəs/ *adj.*

**tuff-et** /'tʌlɪt/ *n.* 1 a tuft or clump of something: grass tufts. 2 a footstool or low seat. ▶mid 16th cent.: alteration of TUFT.

**tuft** /tʌf/ *n.* a bunch or collection of something, typically threads, grass, or hair, held or growing together at the base: scribbly tufts of grass. 2 *Anatomy & Zoology* a bunch of small blood vessels, respiratory tentacles, or other small anatomical structures.

*v.* [trans.] 1 (usu. be tufted) provide (something) with a tuft or tufts. 2 *Needlework* make depressions at regular intervals in (a mattress or cushion) by passing a thread through it. ▶late Middle English: probably from Old French *tofe*, of unknown origin. The final *t* is typical of phonetic confusion between *f* and *t* at the end of words; compare with GRAFT<sup>1</sup>. —**tufty** *adj.*

**tuft-ed** /'tʌftɪd/ *adj.* having or growing in a tuft or tufts: tufted grass.

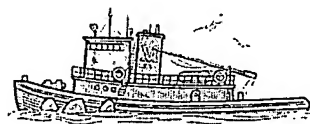
**tuft-ed duck** *n.* a Eurasian freshwater diving duck with a drooping crest, the male having mainly black and white plumage. \* *Aythya fuligula*, family Anatidae.

**Tu Fu** /'tʊf 'tʊf/ (also Du Fu) (AD 712-770), Chinese poet. He is noted for his bitter satiric poems that attacked social injustice and corruption at court.

**tug** /tʌg/ *v.* (tugged, tug-ging) [trans.] pull (something) hard or suddenly: she tugged off her boots | [intrans.] he tugged at Tom's coat sleeve.

*n.* 1 a hard or sudden pull: another tug and it came loose | *figurative* an overwhelming tug of attraction. 2 short for TUGBOAT. 3 an aircraft towing a glider. 4 a loop from a horse's saddle that supports a shaft or trace. ▶Middle English: from the base of TOW. The noun is first recorded (late Middle English) in sense 3. —**tug-ger** *n.*

**tug-boat** *n.* a powerful boat used for towing larger vessels, esp. in harbor.



tugboat

**tug of war** *n.* a contest in which two teams pull at opposite ends of a rope until one drags the other over a central line. 2 *figurative* a situation in which two evenly matched people or factions are striving to keep or obtain the same thing: a tug of war between builders and environmentalists.

**tu-grik** /'tʊgɪk/ *n.* (pl. same or -griks) the basic monetary unit of Mongolia, equal to 100 mongos. ▶Mongolian.

**tu-i** /'tʊe/ *n.* a large New Zealand honeyeater with glossy blackish plumage and two white tufts at the throat. \* *Prosthemadurga novaezealandiae*, family Meliphagidae. ▶mid 19th cent.: from Maori.

**tuille** /tʷel/ *n.* (pl. same) a thin curved cookie, typically made with almonds. ▶French, literally 'tile.'

**Tuil-ler-ies** /'tʷelər(ə)z/ (also Tuileries Gardens) formal gardens next to the Louvre in Paris. The gardens are all that remain of the Tuileries Palace, a royal residence begun in 1564 and burned down in 1871 during the Commune of Paris. ▶French, literally 'Tile works,' so named because the palace was built on the site of an ancient tile works.

**Tu-i-nal** /'tʊə,nəl; -'nal/ *n.* trademark *Medicine* a sedative and hypnotic drug consisting of a combination of the barbiturates amobarbital and secobarbital.

**tu-i-tion** /'t(y)ö'ʃən/ *n.* a sum of money charged for teaching or instruction by a school, college, or university: I'm not paying next year's tuition. 2 teaching or instruction, esp. of individual pupils or small groups: private tuition in French. ▶late Middle English (in the sense 'custody, care'): via Old French from Latin *tuition* (from *tueri* 'to watch, guard'). Current senses date from the late 16th cent. —**tu-i-tional** /-ʃənəl/ *adj.*

**tuk-tuk** /'tʊk 'tʊk/ *n.* (in Thailand) a three-wheeled motorized vehicle used as a taxi. ▶imitative.

**Tu-la** /'tʊlə/ 1 an industrial city in western Russia, south of Moscow; pop. 543,000. 2 the ancient capital city of the Toltecs, usually identified with a site near the town of Tula in Hidalgo State, in central Mexico.

**Tu-lar-e** /'tʊlə're/ (also Tulare) a commercial city in south central California, in the San Joaquin Valley; pop. 33,249.

**tu-lar-e-mia** /'t(y)ölə're'miə/ (*Brit.* tu-lar-ae-mi-a) *n.* a severe infectious bacterial disease of animals transmissible to humans, characterized by ulcers at the site of infection, fever, and loss of weight. Compare with RABBIT FEVER. \* This disease is caused by the bacterium *Francisella tularensis*; Gram-negative rods or cocci. ▶1920s: modern Latin, from Tulare, the county in California where it was first observed. —**tu-lar-e-mic** /'rēmɪk/ *adj.*

**tu-le** /'tʊlə/ *n.* a large bulrush that is abundant in marshy areas of California. \* Genus *Scirpus*, family Cyperaceae: two species, *S. acutus* and *S. validus*. ▶mid 19th cent.: via Spanish from Nahuatl *tullin*.

**Tu-le Lake** /'tʊlə/ a lake in northern California, on the Modoc Plateau, a noted wildfowl refuge and site of fighting duck. ▶1920s: Modoc War.

**tu-lip** /'t(y)öpl/ *n.* 1 a flower of the lily family. 2 a complex hybrid of tulips, via *Tulipa* from the sh.

EXHIBIT

D